



EMERGENCY EXECUTIVE ORDER #02.4-2020-CR

PURSUANT TO THE AUTHORITY, granted by the Cheyenne River Sioux Tribal Council via Resolution #16-2019-CR, by the Emergency Declaration #2020-01-CR, and CRST Council Resolution #102-2020-CR, the Executive Committee of the Cheyenne River Sioux Tribal Council hereby enacts this emergency order to limit the hours during which alcoholic beverages may be sold on the Cheyenne River Sioux Reservation to, 11 A.M. to 3 P.M., Monday through Saturday, to prevent and slow the spread of the novel coronavirus (COVID-19) on the Cheyenne River Sioux Reservation.

WHEREAS, the Cheyenne River Sioux Tribe is a federally recognized Indian tribe that reserved its original, inherent right to self-government through the Fort Laramie Treaty of 1851, 11 Stat. 749 (Sept. 17, 1851), and the Fort Laramie Treaty of 1868, 15 Stat. 635 (Apr. 29, 1868). The Fort Laramie Treaty of 1868 provides that the territory of the Sioux Nation was “set apart for the absolute and undisturbed use and occupation” of the Sioux Indians as a “permanent home.” 1868 Treaty, Arts. II, VI. The exterior boundaries of the Cheyenne River Indian Reservation were established by the Act of March 2, 1889, § 4 (25 Stat. 888); and

WHEREAS, the Cheyenne River Sioux Tribe has sovereign authority over its members and its territory, *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130, 140 (1982); *United States v. Mazurie*, 419 U.S. 544, 557 (1975), and it has the right to make its own laws and be ruled by them. *Williams v. Lee*, 358 U.S. 217, 220 (1959); and

WHEREAS, the Cheyenne River Sioux Tribe is organized pursuant to a Constitution and Bylaws adopted under the Indian Reorganization Act of 1934, 48 Stat. 984, with the approval of the Secretary of the United States Department of the Interior. The Tribal Constitution provides that the Tribe has the power to “promulgate ordinances for the purpose of safe-guarding the peace and safety of the Residents of the Cheyenne River Indian Reservation...” C.R.S.T. Const., Art. IV, § 1(k); and

WHEREAS, the respiratory disease COVID-19 continues to threaten the health and safety of all residents of the Reservation, and the Tribe has determined that it needs to take extraordinary and unprecedented measures to prevent and contain the spread of COVID-19 spread within the exterior boundaries of the Cheyenne River Sioux Reservation; and

WHEREAS, in accordance with the CRST COVID-19 Emergency Response Plan, the Tribe has taken measures to protect the health and safety of the Tribe, its members, and other Reservation residents, including, but not limited to:

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- implementing a stay at home policy for all individuals within the boundaries of the Reservation;
- limiting travel within the Reservation to travel for essential activities only;
- implementing a social distancing policy on the Reservation;
- prohibiting public gatherings of more than ten (10) people and discouraging gatherings of less than ten people;
- closing all non-essential businesses, including all places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, museums, arcades, vending machines, playgrounds, movie and other theaters, bars, country clubs, and social clubs;
- requiring a 14-day self-quarantine for any individual who travels to an area outside of South Dakota or any area in South Dakota where there is community spread of the COVID-19 virus, and who returns to the Reservation; and
- implementing health safety checkpoints at the Reservation borders; and

WHEREAS, the Executive Committee finds that, during the present public health emergency caused by COVID-19, gatherings of homeless individuals and other individuals in, around, and near liquor establishments presents a threat to the health, safety, and welfare of the Tribe, its members, and other residents of the Cheyenne River Sioux Reservation, and

WHEREAS, the Executive Committee finds that, during the present public health emergency caused by COVID-19, law enforcement personnel and resources spent policing the sale of alcoholic beverages, and responding to calls and incidents involving alcohol-related disturbances and offenses, must be reassigned to assist with the health safety checkpoints at the Reservation borders and assist with implementation of the stay at home recommendation and other Emergency Executive Orders of the Tribe and to maintain the security of closed Tribal buildings and businesses and otherwise maintain the peace and safety of all Reservation residents, and

WHEREAS, the Executive Committee is advised that elected officials and other representatives of several municipal and county governments on the Reservation, including the Cities of Eagle Butte, Dupree, and Timber Lake and the Counties of Dewey and Ziebach, concur with the limitation of the hours during which alcoholic beverages may be sold on the Cheyenne River Sioux Reservation to, 11 A.M. to 3 P.M., Monday through Saturday, now

THEREFORE BE IT ORDERED, that effective as of Wednesday, April 22, 2020, the Tribe, in addition to the actions already taken to mitigate the spread of

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COVID-19 on the Cheyenne River Sioux Reservation, hereby limits the hours during which alcoholic beverages may be sold on the Cheyenne River Sioux Reservation to 11 A.M. to 3 P.M., Monday through Saturday; and affirm existing law of no alcohol sales on Sundays.

BE IT FURTHER ORDERED, that this Emergency Executive Order is necessary for the immediate preservation of the public peace, health, safety, and welfare of all residents of the Cheyenne River Sioux Reservation; and

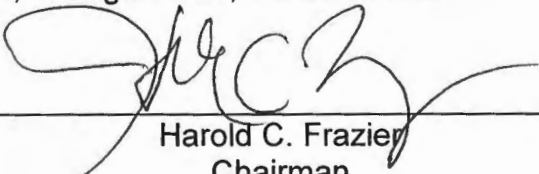
BE IT FURTHER ORDERED, that this Order shall remain in effect until it is amended or repealed; and

BE IT FURTHER ORDERED, that any person who knowingly and willfully violates this Order is subject to such civil and criminal penalties as are allowed by law; and

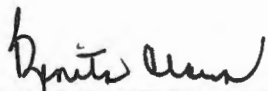
BE IT FINALLY ORDERED, that nothing in this Order diminishes, divests, alters, or otherwise affects any inherent, treaty, statutory or other rights of the Cheyenne River Sioux Tribe over the people, property, and activities described herein. The Cheyenne River Sioux Tribe expressly retains all rights and authority over the people, property, and activities described herein, including but not limited to legislative, regulatory, and adjudicatory powers.

CERTIFICATION


This is to certify that the foregoing Executive Order has been reviewed and approved by the Executive Committee of the Cheyenne River Sioux Tribe, acting under its Executive Authority and in the best interest of the Cheyenne River Sioux Tribe this 20th day of April, 2020, in Eagle Butte, South Dakota.



Harold C. Frazier
Chairman



Benita Clark
Tribal Treasurer



EvAnn White Feather
Tribal Secretary